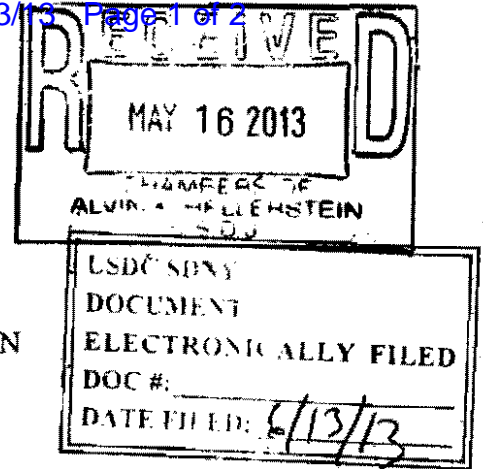


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: LOWER MANHATTAN  
DISASTER SITE LITIGATION

21 MC 102 (AKH)  
(ALL CASES)

NOTICE OF MOTION



PLEASE TAKE NOTICE that upon the annexed Declaration of Christopher R. LoPalo dated May 13, 2013, the exhibits annexed thereto and the Plaintiffs' duly served discovery demands, the Plaintiffs will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, at the Southern District of New York located at 500 Pearl Street, New York, New York, Room 14-D for an Order, pursuant to Rule 37 of the Federal Rules of Civil Procedure compelling Marina Towers Associates, LP, Gary Flammenbarum and Charles Mehlem to appear for depositions within thirty (30) days and for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
May 14, 2013

/s/ Christopher R. LoPalo

Christopher R. LoPalo  
Worby Groner Edelman & Napoli Bern, LLP  
350 Fifth Avenue, Suite 7413  
New York, New York 10118  
(212) 267-3700  
Attorneys for Plaintiffs

*Motion granted, on the merits and w/out opposition. This being important, Marina Towers Assoc. and Hudson Towers Housing Co. designate one or more officers, directors or managing agents, or partners who consent to testify, as provided by Rule 30(b)(6) Fed. R. Civ. P. The designations shall be given by June 21, 2013, with convenient dates for examination within the 3 weeks following. 6-12-13*

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

EXHIBIT 5

Judge wrote:

“Motion granted, on the merits and without opposition. Time being important, defendants Marina Towers Associates, The Lefrak Organization and Hudson Towers Housing Co., respectively, shall designate one or more officers, directors or managing agents, or persons who consent, to testify, as provided by Rule 30(b)(6), Fed.R.Civ.P. The designation shall be given by June 21, 2013, with convenient dates for examination within the 3 weeks following.

6-12-13

Alvin K. Hellerstein”